



**MINUTES
OF THE REGULAR MEETING OF
THE EDINA PLANNING COMMISSION
WEDNESDAY, MARCH 29, 2006, 7:00 PM
EDINA CITY HALL COUNCIL CHAMBERS**

MEMBERS PRESENT:

Chair Lonsbury, Scott Thiss, Kevin Staunton, Michael Schroeder, Michael Fischer, Geof Workinger, Stephen Brown, Floyd Grabel, Basima Tewfik

MEMBERS ABSENT:

Nancy Scherer

STAFF PRESENT:

Craig Larsen, Jackie Hoogenakker

I. APPROVAL OF THE MINUTES:

The minutes of the March 1, 2006, meeting were filed with corrections.

II. OLD BUSINESS:

**P-05-3 Final Site Plan Approval (including variances)
 Cypress Equities
 7311 France Avenue South**

Mr. Larsen reminded the Commission they recommended amending the Overall Development Plan for Centennial Lakes to allow this project on October 26, 2005, and the City Council approved the Amendment on December 6, 2005.

Mr. Larsen explained at this time the proponents are requesting Final Site Plan approval. The plans submitted are consistent with plans approved by the City Council. Mr. Larsen concluded staff recommends Final Site Plan approval including the requested setback variances, subject to: Developers Agreement. Dedication of a transit easement across the property; cross-easements required to allow access to 7373 France Avenue; submission of plans and specifications to Park Director; receipt of executed amendment to existing covenants agreement addressing park maintenance assessment; Centennial Lakes paths

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must remain open and usable throughout the construction of the project; Watershed District permits; provide 20'X120' sidewalk/pathway easement at the northwest corner of the site for a future pedestrian tunnel below France Avenue; agree to fund and relocate the main entrance into the site off of Gallagher Drive with future development of 7235 France Avenue; agree to limit the northerly loading dock to "non-public" use-delivery trucks only; delete the westerly exit for the condo tower visitor parking and provide ingress/egress on the northerly side of the condo tower; provide signal agreement and roadway modification permits with Hennepin County prior to the issuance of a building permit and submit proof of ability to eliminate the access to and from the upper parking structure of 7373 France Avenue.

Mr. Bret Witzig of Cypress Equities and the development team were present to respond to questions from the Commission. Interested residents were also present.

Mr. Brett Witzig addressed the Commission and reported that Cypress Equities has added Good Fulton and Farrell Architects to its design team. Mr. Witzig said he has past experience with Good Fulton Farrell and is confident they can take the project to the next level. Continuing, Mr. Witzig pointed out there have been significant design changes. Mr. Witzig said Cypress Equities has engaged Adolfson and Peterson as its general contractor and Berg and Wanniger as its condominium consultant. Mr. Witzig told the Commission they worked with Mr. Larsen and Mr. Houle to address past comments, including an easement for a potential future pedestrian tunnel, which Mr. Witzig said Cypress Equities has agreed to and possibly moving some of the drives on Gallagher Drive, should it be necessitated by future developments.

Mr. David Farrell and Mr. Scott Sauer were present representing Good Fulton and Farrell Architects.

Mr. Farrell addressed the Commission and reported that he is serving as the Partner in Charge for the 7311 France Avenue project. Mr. Farrell said Good Fulton and Farrell Architects is a Dallas-based firm that engages primarily in architecture work and also in land planning and interiors. He said the firm was founded in 1982 and currently employs 85 people. Mr. Farrell noted that Good Fulton and Farrell has an outstanding design reputation in Texas and has received 53 design awards, primarily for its architectural work, during its 27 years of existence. Mr. Farrell continued that three times the Dallas chapter of the American Institute of Architects has awarded Good Fulton and Farrell Firm of the Year for its participation in the architecture community, its volunteer work with service organizations and for its architectural leadership in the community. Continuing, Mr. Farrell said that Good Fulton and Farrell is a national practice. He said the firm is licensed, or has completed projects in 37 or 38 of the lower 48 states. Mr. Farrell said Good Fulton and Farrell have expertise in retail, housing, corporate facilities and institutional work, like churches and schools. He said the

firm is currently engaged in many mixed-use projects, similar to the district in Edina. Mr. Farrell said that all of Good Fulton and Farrell's mixed-use developments are typically anchored by retail with a very substantial housing component, so the firm has a lot of expertise in this area of development. Continuing, Mr. Farrell said several months ago, Good Fulton and Farrell was engaged by Cypress Equities to improve the pre-approved site plan and to restyle the architecture. Mr. Farrell said since that time the firm has become familiar with the City and has visited the proposed project site. Mr. Farrell said that the firm has worked closely with City staff and has become more familiar with the firm's civil consultant team MFRA. Concluding, Mr. Farrell introduced Mr. Sauer to explain the changes made to the Site Plan.

Mr. Sauer addressed the Commission and said he would be reviewing the site plan adjustments, the elevation development and the exterior finish materials. With the use of graphics, Mr. Sauer explained the basic components of the project: 88 private residences, retail shops, restaurant space, the support parking and the heavily landscaped 25,000 square foot public plaza. Mr. Sauer noted the site is 3 blocks south of Southdale Shopping Center, on the southeast corner of France Avenue and Gallagher Drive, and fronting Centennial Lake. Mr. Sauer explained the relationship between the major project components: retail along France Avenue, the restaurants front the lake, support parking is all below-grade, and the public plaza enhances the entrance to Centennial Lakes Park. Mr. Sauer said MFRA, through Native Landscape Material and Design has integrated into Centennial Lakes Park's north woods theme. Continuing, Mr. Sauer said MFRA also worked closely with many people to design a deceleration lane, a bus pull off along France Avenue, and a right-turn lane into the site from Gallagher Drive. Mr. Sauer said the proposed France Avenue retail consists of 66,000 square feet of retail on two floors with parking below grade and a "view corridor" through the center to link France Avenue to the public plaza. Mr. Sauer pointed out the two loading areas are screened with berms, landscaping and masonry walls. Mr. Sauer added the project would use limestone accents, simulated wood accents, stucco and a copper finish storefront system. Continuing, Mr. Sauer explained adjacent to the public plaza are 3 class-A restaurants with patios overlooking the lake and a valet drop off area. Mr. Sauer said the majority of the restaurant parking would be underneath the residential structure. Mr. Sauer said the residences are being marketed to local empty-nesters. He pointed out the residents' parking entrance will be isolated from the retail traffic. Continuing, Mr. Sauer said the fourth level of the residential structure will contain an amenities level and a deck overlooking Centennial Lake. Concluding, Mr. Sauer said the highest point in the project is 208 feet with an architectural element above that. Mr. Sauer noted the sides of the residential and restaurant structures that face France Avenue and the public plaza have material finishes that are warm tones. Using graphics, Mr. Sauer showed the Commission various views of the proposed residential structure.

Ms. Kathleen O'Connell was present representing MFRA.

Ms. O'Connell addressed the Commission and discussed the landscaping of the proposed plan. Ms. O'Connell said they fashioned a pedestrian-friendly, mixed-use space by creating a European-style courtyard. Ms. O'Connell said the courtyard blends pedestrian and vehicle use along with keeping an entrance to Centennial Park. With drawings, Ms. O'Connell showed the Commission a layout of the courtyard. Ms. O'Connell asked the Commission to note details included in the courtyard design are a water element, an upper terrace, different stone and paving materials, and planting materials similar to the plants throughout Centennial Lakes Park. Ms. O'Connell said the plan compliments the feel of the plantings in Centennial Lakes Park, which mix structured forms with an informal north woods feel. Ms. O'Connell added along France Avenue and Gallagher Drive there would be a sidewalk for retail with a line of boulevard trees. Concluding, Ms. O'Connell said near the park area there will be aspens, red pines, spruce and river birch. Ms. O'Connell said the area fronting France Avenue and the courtyard will be tied together using paving materials.

Chair Lonsbury asked Mr. Larsen to confirm that the preliminary plan was approved by the Commission, given preliminary approval by the City Council and is now back to the Commission for final approval and that the Commission must make sure that the final plan the proponent suggested is the same as the plan approved by the City Council, and to make sure that all of the technical qualifications and any findings for variance are listed. Mr. Larsen confirmed that was correct.

Chair Lonsbury asked Mr. Larsen to confirm that the Commission would not be discussing building height or land use. Mr. Larsen confirmed that was correct. Chair Lonsbury asked the Commissioners if they have any questions for the proponents.

Commissioner Brown asked if the scope of the tonight's meeting could include a discussion about access and circulation within the site. Commissioner Staunton commented at least in his opinion the Commission can discuss circulation. Chair Lonsbury stated he agrees with that position.

Commissioner Brown asked the architects how many projects they developed in northern climates. Mr. Farrell responded Good Fulton and Farrell have done projects in New York, Minnesota and Wisconsin. He added he could not give the Commission an exact number, but said the firm has done a number of them.

Commissioner Brown expressed a strong concern about access through the site especially during the winter with snowfall. He also expressed a concern about the small size of the plaza and the accessibility and traffic flow through the site. Commissioner Brown also expressed a concern about all the traffic for the site coming in from one access point in a single lane off Gallagher Drive.

Concluding, Commissioner Brown asked Mr. Larsen for clarification as to whether poor access through the site was sufficient grounds for denying the project. Mr. Larsen confirmed that access was legitimate grounds for denial.

Mr. Farrell pointed out the access points to the garages happen before the plaza, adding the plaza may have limited use by first time users not familiar with where to park. He noted there isn't much parking in the plaza.

Commissioner Brown commented it appears the plans indicate valet parking for the restaurants. He added he has a concern about cars coming through the plaza for the valet parking. He also commented that if all the vehicles entering the site are turning in at the same place there will be congestion on Gallagher Drive and France Avenue.

Chair Lonsbury asked for clarification on whether the Edina Traffic Commission has issued a report about the proposal and whether these issues had been discussed in-depth at the City Council meeting. Mr. Larsen responded that the plan has been reviewed by the Engineering Department and the Traffic Commission and they approved the plan.

Commissioner Brown asked for clarification if insufficient access to the site is ground for denying final approval.

Mr. Larsen responded that approval by the Traffic Commission is a significant step and also noted that Hennepin County approved the plan as well, so the access issues have already been addressed and approved by the agencies that govern the roads.

Chair Lonsbury asked if the layout of the current site plan is consistent with the preliminary site plan that was approved. Mr. Larsen responded it is, but if the home store to the north of the site redevelops, there would be some slight alterations required, which is stipulated in the conditions of approval.

Commissioner Brown asked for clarification on whether there had been discussions about the hardships that exist for the variances that are required. Mr. Larsen responded that there had been discussions during the preliminary approval phase.

Chair Lonsbury asked for public input. He reminded the audience the Commission is looking at whether the current proposal is consistent with the one already approved.

Patrick Steinhoff, on behalf of John and Janet Bowing addressed the Commission.

Mr. Steinhoff, informed the Commission he represents property owners Mr. and Mrs. John Bohan, 800 Coventry Place, Edina, MN who object to the proposed development. Mr. Steinhoff told the Commission City Code states height requirements in the MDD-6 zoning district are tied to setbacks. Mr. Steinhoff stated in his opinion the proposed building at 208 feet is too tall. He added if one assumes the proposed building would meet the minimum setback of 35 feet the building would still be 173 feet too tall. Mr. Steinhoff pointed out what is proposed is six times the maximum height allowed in the MDD-6 zoning district. Continuing, Mr. Steinhoff acknowledged the City can grant variances; however, in order to grant variances an application must be made and property owners must be notified about the variance. Mr. Steinhoff stated to the best of his knowledge no variance application was made and no notice was mailed to property owners indicating the need for variance. Mr. Steinhoff noted the City can grant variances, adding in this instance he is not sure why Mr. and Mrs. Bohan even had to hire an attorney because in his opinion it is unbelievable a City would even consider granting a variance to allow construction of a building six times too tall. Mr. Steinhoff questioned why Cypress Equities purchased the subject property without first reading the City's Zoning Ordinance. Concluding Mr. Steinhoff stated he doesn't know how this application could "be on the table for six months". Mr. Steinhoff stated he requests on behalf of Mr. and Mrs. Bohan that the Planning Commission deny the request for Final Site Plan approval, adding if the Commission is not prepared to deny the application at this time that the Commission recommends continuing this hearing pending an opinion by the City Attorney.

Commissioner Staunton asked Mr. Steinhoff what his opinion would be if the proposal were developed without the need for variances. Mr. Steinhoff responded at this time he can't answer that question.

Chair Lonsbury asked Mr. Larsen to respond to comments from Mr. Steinhoff with regard to setback and opinion from the City Attorney.

Mr. Larsen responded the required setback from City Park property is zero. The setback from Gallagher Drive is 20 feet, not 35 feet, because Gallagher Drive isn't a public street, it is a private drive. The setback from France Avenue is 35 feet. Mr. Larsen said in response to the request that the Commission get an opinion from the City Attorney that opinion is before the Commission in the Findings. The Findings were prepared by the City Attorney.

Chair Lonsbury asked if anyone else would like to speak to this proposal. No comment from the audience. Chair Lonsbury asked for a motion to close the public hearing.

Commissioner Fischer moved to close the public hearing. Commissioner Grabiell seconded the motion. All voted aye; public hearing closed.

Commissioner Fischer stated he agrees with Commissioner Staunton in that the Commission should discuss Commissioner Brown's concerns about access and circulation. Commissioner Fischer also added he is pleased with the direction of the design. Concluding, Commissioner Fischer asked the proponent if restaurant seating is proposed at grade, close to lake level.

Mr. Sauer responded there is a patio area(s) proposed at grade along the lake. This area is proposed to accommodate outdoor dining. Mr. Farrell added that outdoor dining will be encouraged in order to draw people into the restaurants. With the use of a drawing, Mr. Sauer and Mr. Farrell indicated to the Commission where the outdoor dining areas will be.

Commissioner Fischer commented in the renderings there appears to be heavy plant cover between Centennial Lakes Park and the subject site, adding it is good to know there will be some seating at grade. Commissioner Fischer also expressed a concern with the first three floors of the project not being scaled correctly. Commissioner Fischer also questioned if there is a loading area on the south side of the project.

Mr. Sauer explained there is a loading dock with a service elevator to bring things up to the second floor of retail shops. Commissioner Fischer asked the proponent if the loading dock would penetrate the building. Mr. Sauer responded that it would not.

Commissioner Fischer asked the proponent what would be happening to the access that currently exists. Mr. Witzig responded that the current easement will be abandoned and there will not be a connection in that area. Mr. Witzig said it will be a turnabout loading area.

Commissioner Brown asked if the snow would be taken out of the site area or will be pushed along the sides of the site. Mr. Witzig responded they anticipate hauling the snow off site. Mr. Farrell added they discussed snow build up earlier in the day and came to the consensus they would not be stockpiling snow.

Commissioner Thiss asked how vehicles enter the south loading dock. Mr. Farrell responded that vehicles will travel through the site to the loading dock area. Commissioner Thiss commented he has a concern about delivery trucks driving through the site. Mr. Farrell responded that retail deliveries typically occur during off hours, during the mornings and late evenings. Mr. Farrell said they don't anticipate any problems.

Commissioner Staunton asked the proponent if the service lane for the restaurants on the east side would come in on the back side of the restaurants instead of in the same lane as the other deliveries. Mr. Farrell responded that was correct.

Commissioner Fischer commented that he likes the idea of a European plaza, but expressed a concern that the parking spaces in the plaza give the feeling that people are intruding on the vehicles, rather than vehicles intruding on the people. Commissioner Fischer asked the proponent if the parking spaces in the plaza are really necessary. Mr. Farrell responded the proposed plaza parking is a token gesture to marketing to the retail tenants that occupy the ground floor underneath the terrace. Mr. Farrell added those will be smaller tenants that don't have a national presence, and their livelihood may depend on the parking spaces. Mr. Farrell commented that Commissioner Fischer is correct in saying that typically one wouldn't see head end parking spaces in a plaza, but there are only nine or ten spaces, so the quantity isn't very great. Continuing, Mr. Farrell also said they want to slow vehicles down when they enter the plaza, and vehicles would only be going about five miles per hour. Mr. Farrell said they want to do things will bollard lighting, paving and possibly curb-free areas so that the ground floor feels like an outdoor rooms. Concluding, Mr. Farrell also said they will keep the directional signs low so people driving in their vehicles won't have to look up, which will help drivers see pedestrians.

Commissioner Fischer commented it's nice to have parking there, however, in his opinion adding curb and gutter would change the entire feel of the plaza.

Mr. Farrell responded they are an advocate of trying to move pedestrians across the plaza as seamlessly as possible. Mr. Farrell noted to do this they are considering low bollard lighting, subtle paint striping and special paving.

Commissioner Fischer commented that those steps would indicate to drivers that there's nothing for them to drive to in the plaza.

Chair Lonsbury asked Mr. Larsen if the parking spaces in the plaza are needed. Mr. Larsen responded that the project is at the basic requirement for parking

Mr. Witzig responded that they had already looked at removing the spaces, but they are having trouble with tenants. Mr. Witzig said the tenants' biggest concern is the amount of surface parking in front of their storefronts. Mr. Witzig commented that the entrance to the parking garages, where a majority of the parking is, comes before the plaza. Mr. Witzig said they have used this design in other projects and it has been very successful.

Commissioner Brown asked the proponent if all restaurant parking would be turning before the vehicles would get to the plaza. Mr. Witzig responded that the turn for restaurant parking is before vehicles arrive at the plaza, unless the customers desire to use the valet parking.

Commissioner Brown asked what the capacity of the restaurants is and how many vehicles would be coming in at one time for dinner. Mr. Robert Meeks was present representing Staubach Real Estate, the leasing company for the project. Mr. Meeks responded that the restaurant would roughly seat 275 and based on City Code that requires about 67 parking spaces.

Commissioner Brown asked the proponent if that number was for one restaurant and if there were two restaurants, then would those numbers double. Mr. Meeks responded there are two restaurants and that the numbers would double.

Commissioner Brown asked if it is possible during rush hour to have 50 to 100 cars going through valet at any given point. Mr. Meeks responded the restaurant people they are working with say that at least 20 percent of their customers will chose to valet park. Mr. Sauer added that the plan has 154 spaces under the residential tower and 215 spaces under the retail along France, which doesn't take into account the parking that is specifically for the condominiums.

Commissioner Brown asked the proponents if customers will have to park in either restaurant or retail parking, depending on whether they are going to a restaurant or to a store. Mr. Farrell responded that customers will be able to park wherever they want.

Commissioner Brown asked the proponent if they believe there is the potential for congestion in the area. Mr. Farrell responded when customers first enter the site, they can turn left or right into parking before they reach the plaza. Mr. Farrell pointed out there are elevators from the parking garage to the restaurants, so the valet parking is largely ceremonial.

Commissioner Brown commented that customers' first inclination when entering the site would be to turn right into a parking garage, adding he doesn't believe there will be a clear distinction if a customer is going to a restaurant they should turn left. Commissioner Brown said he believes there will be a lot of traffic going back and forth. Commissioner Brown said he is trying to be clear about how the proponent envisioned traffic flow between the restaurants and the retail.

Commissioner Schroeder commented in his opinion, one of the biggest traffic problems seems to be the head-in parking spaces that are directly across the street from the restaurant parking ramp. Commissioner Schroeder added that people in those spaces will have to back up across two lanes of traffic and would be in path of the cars exiting the parking garage. Commissioner Schroeder suggested that those five space be removed. Commissioner Schroeder asked the proponent when the Commission will get to see the plan for the plaza. Commissioner Schroeder commented that the designs the proponents discussed are not in the written plans the Commission has received.

Chair Lonsbury reminded the Commission this is the last chance to see the plan and to evaluate it.

Commissioner Brown commented in his opinion the middle of the plaza does not have a European feel. It's not very open and seems like a barrier between the retail and restaurant areas that would be hard to navigate during the winter. Mr. Farrell said there are two missing parts in the plan. The first missing part is how the paving in the plaza will be differentiated from the paving on the rest of the project.

Ms. O'Connell agreed, adding, they need to carry the paving theme throughout the plaza.

Mr. Farrell added that he is unsure about what will be in the center of the plaza, but said he believes it is something that's open to debate and discussion.

Commissioner Brown commented he would feel better if the site was an open plaza without vehicles in it.

Commissioner Workinger commented that if the proponent does not have a plan with a definite concept by the time they reach the City Council he does not believe they will receive their wholehearted support.

Mr. Witzig responded they did submit full landscape and engineering plans that define what their plans are. Mr. Witzig added the only part of the plans that isn't clearly defined is the paving in the plaza. Mr. Witzig said he would accept as a condition of approval an agreement to do enhanced paving that contrasts with the other paving.

Commissioner Schroeder commented that that plans call for a curb and gutter, which in his opinion doesn't capture the "feeling" of a European plaza.

Mr. Witzig said that is a recent change and that they feel they can make it work. Mr. Farrell added that they need to meet with engineers to see if that idea would work.

Commissioner Schroeder commented that he thinks MFRA engineers can find a way to move water without using a curb and gutter. Ms. O'Connell added that the oval in the center of the plaza acts as a rain garden and that there are already cuts in the curb to allow water in, so removing the curb would be a minor step.

Commissioner Brown asked the proponent if there is any way to keep traffic from having to go through the site. Mr. Farrell responded he didn't think

so, adding they are bound by a cross access easement for a loading dock at the medical building to the south of the site.

Chair Lonsbury noted that whatever decision is made, there will be a long list of conditions attached. Chair Lonsbury suggested conditions for enhanced paving and for carrying water without a curb and gutter also be added.

Commissioner Schroeder asked the proponent to demonstrate where a possible trolley connection would be in the site and whether there would still be an easement. Mr. Sauer responded that there would still be an easement and using graphics demonstrated where the trolley line would run.

Commissioner Brown asked the proponent if the trolley would run on the lake side of the medical office building. Mr. Sauer responded it would, adding there's an approved path there already.

Commissioner Workinger commented that he feels the center island in the plaza shuts off the retail side from the restaurant side and that it should be more open.

Commissioner Thiss commented that the concept of a rain garden makes sense.

Commissioner Workinger requested an overview of the conditions that are added to the conditions required by the City Council in order to understand why the conditions were added.

Mr. Larsen responded there are 13 conditions in addition to the findings that staff recommends. He said the first condition is that the developer's agreement, which would entail the public improvements that are necessary for the project, in particular the northwest to southeast sanitary sewer connection that has to be preserved. The transit easement that exists across the property now will have to be rearranged for the development. Also, there would be easements for access to properties to the south. Mr. Larsen said staff recommends that any changes made to the park must be approved by the Park Director. Continuing, Mr. Larsen added there's a park maintenance fee that's charged on a per square foot basis for the nonresidential units and a per unit basis for the residential units that would have to be amended to accommodate the project. He also said a condition that came out of the City Council meeting is that the paths must be remain open during the construction period. Mr. Larsen said there are also required watershed district permits and sidewalk easements. He said there is a condition of the maintenance of the future of Gallagher Drive of the north part of the parcel.

Commissioner Workinger asked for clarification on whether the condition about the maintenance of Gallagher Drive was entirely dependent upon future

development on the north side of Gallagher Drive. Mr. Larson confirmed that it was dependent on future development on the north side of Gallagher Drive. Continuing, Mr. Larsen said there are also some technical conditions that the Engineering Department is working on.

Commissioner Brown asked the proponent why the access to the parking at 7373 France Ave has been truncated. Mr. Witzig responded they felt it wasn't needed any longer because it was something the movie theatre used in an agreement it had with the office building to the south of the property.

Commissioner Fischer asked the proponent whether there are two or three garage entrances on Gallagher Drive because he has renderings with both.

Mr. Sauer said that there are two garage entrances, one for the residents and guests of the condominiums and one for the delivery trucks going to the restaurants.

Commissioner Fischer commented that he liked the change from three garages to two. Commissioner Fischer asked the proponent if there were one or two garages on the west side of the condominium building. Mr. Sauer responded that there will be one garage. Commissioner Fischer commented that he liked the change from two garages to one.

Commissioner Fischer moved to recommend Final Site Plan approval, including setback variances for building height subject to staff conditions:

- **Developer's Agreement**
- **Dedication of a transit easement across the property;**
- **Cross-easements required to allow access to 7373 France Avenue property to the south;**
- **Submission of plans and specifications to Park Director for any proposed work to City park property for approval;**
- **Receipt of Executed amendment to existing covenants agreement addressing park maintenance assessment;**
- **The Centennial Lakes paths must remain open and usable throughout the construction of the project;**
- **Watershed District Permits;**
- **Provide 20' X 120" sidewalk/pathway easement at the northwest corner of the site for a future pedestrian tunnel below France Avenue;**
- **Agree to fund and relocate the main entrance into the site off of Gallagher Drive with future development of 7235 France Avenue;**
- **Agree to limit the northerly loading dock to "non-public" use; delivery trucks only;**

- **Delete the westerly exit for Condo Tower Visitor parking. Provide ingress/egress on the northerly side of the Condo Tower;**
- **Provide signal agreement and roadway modification permits with Hennepin County prior to the issuance of a Building Permit;**
- **Submit proof of ability to eliminate the access to and from the upper parking structure of 7373 France Avenue**

Commissioner Schroeder seconded the motion.

Commissioner Brown commented that he is not in favor of the project and asked if he was able to vote. Chair Lonsbury responded that Commissioner Brown was able to vote no.

Commissioner Staunton recommended adding a friendly amendment or additional condition that the Commission amends the findings to include a finding that the site could be occupied by a 19-story building and otherwise the same development without any setbacks or variances if it were rearranged.

Commissioner Fisher and Commissioner Schroeder accepted the amendment.

Commissioner Thiss questioned whether the Commission was amending the City Attorney's report.

Chair Lonsbury responded the Commission is adding an additional finding to the City Council.

Commissioner Brown asked if he would be able to add as an additional condition a major redesign of access to the site. Chair Lonsbury responded that Commissioner Brown could add it as a motion or add it as a friendly amendment.

Commissioner Brown requested adding a friendly amendment that would allow for a structural redesign of access to the site.

Commissioner Fischer said he understands Commissioner Brown's concerns, but noted that the Centennial Lakes Centrum building (located down the street) does about the same thing and that it moves traffic fairly well. Commissioner Fischer declined the friendly amendment.

Commissioner Brown declined to add it as a motion.

Commissioner Staunton commented that he believes it is important to add any findings that the Commission thinks are necessary to support the variance.

Commissioner Thiss said he would agree with Commissioner Staunton, as long as it is clearly identified that the additional “findings” are from the Commission and not the City Attorney.

Chair Lonsbury confirmed that the Commission is suggesting modification of the City Attorney’s findings and that it will be noted.

Commissioner Grabiell commented, in his opinion, the findings come from the City Council and that the City Attorney drafts them. Mr. Larsen confirmed that is correct. Mr. Larsen said they are based on the preliminary approval granted by the Commission and the City Council.

Commissioner Fischer also recommended approval subject to:

- Enhanced paving in the Central Plaza area
- Convey water without curb and gutters in the Central Plaza
- Adopt Findings for Variances from the Setback Standard prepared by the City Attorney at the request of City Council; and adding to the Findings for Variances from the Setback Standard this site could be developed without variances with a 19-story 235 foot residential condo tower

Commissioner Schroeder seconded the motion.

Chair Lonsbury called for the vote. Ayes; Thiss, Staunton, Schroeder, Fischer, Workinger, Lonsbury. Nays, Brown and Grabiell. Motion carried.

**P-06-3 Final Development Plan
 Target Corporation
 7000 York Avenue South**

Mr. Larsen reminded the Commission at their last meeting the Commission tabled the request for a Final Development Plan to redevelop the site as a Super Target to allow more time to discuss options. Options under discussion were exterior building materials, design, and suggestions of housing along the promenade.

Mr. Larsen pointed out the building exterior has changed significantly and the revised plan adds a significant amount of landscaping within the parking lot.

Mr. Larsen asked the Commission to note the plan conforms to all PCD-3 requirements, except for parking setback, and parking quantity. Target is requesting to park at 4.0 spaces for each 1,000 square feet of store. Target believes the proposed parking will meet demand even during the busy holiday seasons.

Mr. Forest Russell, Mr. Eames Gilmore and Ms. Alice Davis were present representing Target Corporation.

Mr. Russell addressed the Commission and informed them at the last meeting discussion focused on the possibility of adding a residential component to the rear of the new Target building. Mr. Russell stated at this time Target Corporation is not able to justify a rezoning of the site to allow residential. Mr. Russell said this decision was made for many reasons. Mr. Russell added many issues make housing inappropriate at the rear of a large retail store. Noise (internal warehouse and loading dock), security, lighting, vibrations, deliveries, guest parking considerations, utilities, and the general health, safety and welfare of the residents. Concluding, Mr. Russell said Target Corporation would be taking on a risk and long term liability if housing were attached; adding Target must act on behalf of their shareholders.

Chair Lonsbury asked for comments from the Commission.

Commissioner Grabiell stated in his opinion he is not impressed with Target's stance on this issue. He pointed out Target wants something from the City, (variance) adding he is not pleased with the direction this appears to be moving.

Chair Lonsbury pointed out Target has requested a variance for parking. Mr. Russell acknowledged that fact. He said Target is seeking a reduction in the parking ratio from 5.0 to 4.0 per 1000. Mr. Russell stated Target believes this reduction is justified and has the data to "back up" the requested reduction. Chair Lonsbury questioned what Edina gains with a "Super Target". Mr. Russell responded Edina residents will benefit. He told the Commission Target has had many inquiries from residents when Target is going to build a Super Target. Chair Lonsbury asked Mr. Russell if he knows how many "shoppers" are actually Edina residents. Mr. Russell responded he is not certain but believes in excess of 50% are Edina residents.

Commissioner Brown told the Commission he is also a regular visitor at Target, adding he is concerned Target appears to be unwilling to meet the goals of the City. Commissioner Brown added in his opinion a hardship doesn't exist that would support the granting of a variance from the parking ratio.

Commissioner Fischer stated he is very disappointed with the stance taken by Target. He said at the last meeting he felt there were so many

opportunities benefiting both the City and Target. Commissioner Fischer said the feeling he is left with is “the air was let out of the bag.” Commissioner Fischer reiterated his disappointment.

Commissioner Staunton acknowledged the change in atmosphere in the Chambers is very dramatic.

Chair Lonsbury noted a major concern expressed at the last meeting was with the design of the new Target facility and building materials, adding at the last meeting Commissioners were not impressed with the design of the new Target.

Commissioner Workinger acknowledged he was not present at the last meeting and asked Mr. Russell if he believes that sometime in the future Target may entertain the idea of construction housing and/or retail to the rear of their building along the promenade. Mr. Russell responded he is sorry, but no.

Commissioner Brown reiterated he is very disappointed. Target owns a key piece of property along the promenade.

Chair Lonsbury asked Target representatives to point out the changes in design scheme from what the Commission was given to the revised drawings presented this evening.

Mr. Gilmore addressed the Commission and informed them changes were made to the plans after the Commission received them. He stated the plans before the Commission were over budget so minor revisions were made. With graphics Mr. Gilmore pointed out changes to the plan.

Chair Lonsbury said he is disappointed that a number of the glass elements have been eliminated. Mr. Gilmore acknowledged that fact reiterating the materials pushed this store over on budget.

Commissioner Fischer asked how “over budget” they are. Mr. Gilmore responded when the numbers were reviewed with the design changes recommended by the Commission the project came in 20% over budget. Commissioner Fischer asked how a budget is arrived at. Mr. Gilmore responded when a Super Target is developed each “department” is an element of the master budget. The architectural element of this project is 20% over budget.

Commissioner Fischer stated to him this is an evening of disappointments. He said the changes made to the building presented to us this evening are a disappointment. Commissioner Fischer acknowledged every company operates under budget restraints, however the cost of goods vary from Target to Target. Commissioner Fischer said if the cost of items at the Edina Target is higher than other Targets and Target prices its items by location this store should be able to handle the higher cost in materials and architecture by location. Continuing,

Commissioner Fischer said the glass elements were very important to the overall look of the building and the removal of some of those elements leaves a more "Big Box" feel to the building. Commissioner Fischer said he would like the building to remain as previously presented, not like the revised plan presented to the Commission this evening.

Commissioner Workinger echoed the disappointment expressed by Commissioners, he added, and it is only his opinion, that he doesn't like the point of making every aspect of the building an advertisement.

Chair Lonsbury said as he sees the options before the Commission this evening the Commission needs to focus on three points. The first point is site plan approval, adding does Edina want a Super Target on this site. The second point is the requested variance, does the Commission feel a reduction in the parking ratio from 5.0 to 4.0 is realistic; and third design, is the revised plan presented to the Commission this evening adequate. Concluding, Chair Lonsbury said at this point the Commission can either reject the proposal as submitted or vote in favor of the proposal.

Chair Lonsbury asked if anyone in the audience wishes to address this issue.

Ms. Jo Ellen Dever, 7405 Oaklawn Avenue, told the Commission she is present this evening as a cheerleader for Target. Ms. Dever said in her opinion Target is an asset to the community; she loves Target, loves their commercials, and believes the Commission should approve this request. Ms. Dever pointed out this is an old Target that needs remodeling.

Commissioner Brown stated he also likes Target and believes it is an excellent company; however, the City spent many hours on the it's vision of the promenade and in his opinion this proposal doesn't adequately address the promenade.

Commissioner Schroeder said if he understands correctly the City has hired a firm to design the promenade and in the near future a design scheme should be drafted.

Commissioner Workinger acknowledged the promenade is a work in progress; however, he would like to see more support from Target in addressing the promenade. Commissioner Workinger stated he can't support the project as presented.

Commissioner Thiss said he supports the comments this evening from Commissioners, adding he has no problem with the design of the new store, but has a concern with how the store addresses the promenade.

A discussion ensued with Commissioners in agreement they are disappointed in the way this plan addresses the promenade. Commissioner Staunton noted that the portion of the City zoning Code governing the Commission's review of this application requires the City to find the proposed project will not be detrimental to properties surrounding the tract and will provide a proper relationship between the proposed improvements, existing structures, open space and natural features. Given the applicant's failure to put anything but a blank wall along the promenade, he did not feel that he could make that finding and would need to vote against the project. The promenade is an important piece in the redevelopment of the greater Sopotdale area. Commissioners also expressed disappointment with the building design and exterior building materials. Commissioners also indicated they found no hardship to support the variance.

Commissioner Brown moved to deny the Final Development Plan to allow construction of a Super Target. Commissioner Grabiell seconded the motion. All voted aye; motion carried.

III. NEW BUSINESS:

LD-06-2

**Gabbert & Gabbert
3510 West 70th St**

Mr. Larsen informed the Commission the proponents are requesting a simple lot division to create separate parcels for a new hotel/condo tower, and for a parking structure.

Mr. Larsen explained the reason for the request is to create separate ownership parcels for financing purposes.

Mr. Larsen concluded the Lot Division does not grant or imply any additional rights beyond those already granted. The entire site is covered by mutual cross easements for parking and circulation. Staff recommends approval.

Commissioner Staunton asked Mr. Larsen if under City Code an option exists for this request to be approved at the administrative level. Mr. Larsen responded currently City Code does not offer that option. All requests for "Lot Division" are heard by both the Planning Commission and City Council.

Commissioner Schroeder questioned if the request changes setbacks. Mr. Larsen responded it does not, setbacks are determined from the perimeter of the track.

Commissioner Grabiell moved to recommend Lot Division approval. Commissioner Thiss seconded the motion. All voted aye; motion carried.

C-06-4

**Quyen Tu
4100 France Avenue
Permit to allow a structure within the 100 year
flood plain**

Mr. Larsen told the Commission all cities participating in the FEMA Flood Insurance Program are required to adopt a flood plain ordinance approved by FEMA. This ordinance regulates all activities within the flood plain.

Mr. Larsen explained the owner's of the home would like to construct an addition to the rear of their home. The living space would be elevated above the flood plain, but not the supporting structure below. Continuing, Mr. Larsen said the Watershed District has granted a permit for the proposed addition, and the City Building Official has determined that the plans submitted meet all Building Code requirements.

Mr. Larsen concluded staff recommends approval, subject to receipt of an executed Hold Harmless Agreement releasing the City from future liability. The purpose of the Permit is to have a record to present to FEMA to insure eligibility under the program.

Commissioner Brown questioned if this is just a technical issue to ensure insurability. Mr. Larsen responded that is correct

Commissioner Staunton asked if the proposed addition complies with Code. Mr. Larsen responded the proposed addition complies with all Code setback requirements.

Commissioner Schroeder asked Mr. Larsen if the proposed addition would require certification by an engineer. Mr. Larsen responded the proposed addition met with the approval of the Building Official and would also be reviewed by the City's Engineering Department.

Commissioner Brown moved to recommend Conditional Use Permit Approval to allow the construction of a structure in the flood plain, subject to the

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staff condition of the City securing a Hold Harmless Agreement. Commissioner Grabel seconded the motion. All voted aye; motion carried.

IV. ADJOURNMENT:

Submitted by Jackie Hoogenakker